

Message Text

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ORIGIN STR-07

INFO OCT-01 EUR-12 IO-13 ISO-00 SSO-00 CIAE-00 DODE-00
NSAE-00 NSCE-00 ICAE-00 INRE-00 AGRE-00 CEA-01
COME-00 EB-08 FRB-03 H-01 INR-10 INT-05 L-03
LAB-04 PA-01 CTME-00 AID-05 SS-15 ITC-01 TRSE-00
SP-02 SOE-02 OMB-01 DOE-15 /110 R

DRAFTED BY STR:JGREENWALD:CS

APPROVED BY STR:AWOLFF

STATE:HKOPP

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FM SECSTATE WASHDC

TO AMEMBASSY BRUSSELS IMMEDIATE

USMISSION GENEVA PRIORITY

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US MTN, USEEC

E.O. 11652:

TAGS: GATT, MTN

SUBJECT: DISPUTE SETTLEMENT UNDER GATT

REF: GENEVA 11548

1. ONE OF THE TROUBLING DIFFERENCES BETWEEN
THE US AND THE EC IN THE MTN HAS BEEN OVER DISPUTE
SETTLEMENT. THE COMMUNITY APPEARS INTENT UPON
UNDERCUTTING WHAT IS LEFT OF THE GATT DISPUTE
SETTLEMENT PROCESS. FOR EXAMPLE, THE EC NEGOTIATORS
HAVE REFUSED TO RECOGNIZE ESTABLISHED GATT PRACTICE
OF ACCORDING A CONTRACTING PARTY A RIGHT TO REFER
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A DISPUTE TO A PANEL.

2. THE COMMUNITY APPEARS TO BE ISOLATED ON THIS
ISSUE IN GENEVA. ALL OTHER DELEGATIONS ARE PREPARED
TO WORK FROM DRAFT UNDERSTANDING PREPARED BY GATT
SECRETARIAT CONTAINED IN GATT DOC. MTN/INF/29/
REV. 1 OF JULY 7, 1978.

3. WE BELIEVE THAT IT IS IMPORTANT TO INCLUDE IN
THE FINAL MTN PACKAGE AGREEMENT WHICH STRENGTHENS -
NOT WEAKENS - EXISTING GATT PROCEDURES AND

BELIEVE THAT SECRETARIAT INITIATIVE COULD SERVE
AS A BASIS FOR SUCH AN AGREEMENT.

4. EC POSITION SEEMS TO BE LARGELY A REFLECTION
OF PAUL LUYTEN'S PERSONAL VIEWS. TO GET COMMISSION'S
ATTENTION IN BRUSSELS, WE ARE PREPARING A PAPER
(1) ADVOCATING NEED FOR A VIABLE GATT SYSTEM
TO DEAL WITH THE TRADE PROBLEM OF THE 1980S (2) IN
THIS CONNECTION, SETTING OUT US INTENTIONS IN DISPUTE
SETTLEMENT AREA AND DRAWING ON RECENT EXPERIENCES IN
THE GATT, AND (3) QUESTIONING THE WISDOM OF THE
POSITIONS WHICH EC REP GENEVA HAS BEEN ADVANCING.

5. IN THIS CONNECTION, REFTEL PROVIDES GOOD EXAMPLE
OF HOW GATT PROCEDURES HAVE BROKEN DOWN. WOULD
APPRECIATE ALL BACKGROUND WHICH MTN DEL AND US MISSION
CAN PROVIDE CONCERNING RECENT ABUSES OF GATT DISPUTE
SETTLEMENT PROCESS AND ANY SUGGESTIONS EITHER MAY HAVE
AS TO BEST ARGUMENTS TO PRESENT
TO THE EC. CHRISTOPHER

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Message Attributes

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Concepts: DISPUTE SETTLEMENT, POLICIES
Control Number: n/a
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Disposition Approved on Date:
Disposition Case Number: n/a
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SAS ID: 1474319
Secure: OPEN
Status: NATIVE
Subject: DISPUTE SETTLEMENT UNDER GATT
TAGS: ETRD, GATT, MTN
To: BRUSSELS GENEVA
Type: TE
vdkgvwkey: odb://SAS/SAS.dbo.SAS_Docs/8aeb5b52-c288-dd11-92da-001cc4696bcc
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